

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No. 8433 of 2007

Shri Dhanraj Sahadeo Sharma ..Petitioner

vs.

1. The Election Officer
Igatpuri Nagarpalika & Ors. ..Respondents

Shri P.N.Joshi for petitioner.

Shri S.B.Shetye for respondent nos.1 and 2

CORAM: S.C.DHARMADHIKARI J.
23rd NOVEMBER, 2007

P.C.

1. The petitioner has impugned the order of the Courts below refusing to interfere with the decision of the Election Officer rejecting the nomination.

2. When this matter was mentioned before me, it is brought to my notice by Shri Shetye appearing for the State Election Commission that the nomination papers of the petitioner were rejected on 3rd November, 2007, the appeal was disposed of by the Trial Court on 14th November, 2007. Thereafter, the remaining candidate in the field withdrew his nomination and that is how the respondent no.3 has been declared elected unopposed on 19th November, 2007. In such

circumstances, he submits that polling is not likely to held for the seat in question.

3. In my view, it would not be proper to interfere at this stage, more so, when the petitioner has alternate and equally efficacious remedy of an election petition. All such grievances as are made against the impugned order in the present petition are open for being agitated and appropriate contentions raised in that proceedings. Reserving that remedy and keeping all contentions open the present petition is dismissed.

(S.C.DHARMADHIKARI J.)